## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

### ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman Dr. Richard F. Cole Dr. Mark O. Barnett

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

September 24, 2013

## MEMORANDUM (Memorializing Site Visit)

On September 19 and 20, 2013, the Licensing Board in this proceeding participated in a site visit of the proposed site for Powertech USA, Inc.'s (Powertech) Dewey-Burdock In Situ Uranium Recovery (ISR) Project and related locations. All parties were invited to attend the site visit along with other interested participants, and details regarding the site visit were made public.<sup>1</sup> This memorandum memorializes the visit.

On Thursday, September 19, 2013, at approximately 9:00 a.m. MDT, the Board arrived at Powertech's Edgemont office, located at 310 2nd Street, Edgemont, South Dakota. Also in attendance were Anthony Thompson, counsel for Powertech; Richard Clement, Powertech's President and CEO; John Mays, Powertech's Vice President of Engineering; Frank Lichnovsky, Powertech's Chief Geologist; Mark Hollenbeck, Powertech's Project Manager for the Dewey-

<sup>&</sup>lt;sup>1</sup> <u>See</u> Order (Site Visit Information and Schedule) (Sept. 17, 2013) (unpublished); Order (Amending Site Visit Schedule) (Sept. 5, 2013) (unpublished); Order (Scheduling Site Visit) (Aug. 21, 2013) (unpublished).

Burdock project; Michael Clark, counsel for the Nuclear Regulatory Commission (NRC) Staff; Patricia Jehle, counsel for NRC Staff; Thomas Lancaster, NRC Hydrogeologist; Haimanot Yilma, NRC Project Manager for the Dewey-Burdock project; Gregory Fesko, Bureau of Land Management (BLM) Geologist/Coal Program Coordinator; Brenda Shierts, BLM Archaeologist; Dr. Hannon LaGarry, expert to Aligning for Responsible Mining (ARM); Thomas Cook, Executive Director of ARM; Terry Richards, Para-Archeologist for ARM; Theodore Ebert, member of ARM; and Nicole Picard, law clerk to the Powertech Board. All the forenamed individuals accompanied the Board on the site visit, except Mr. Hollenbeck.

During the morning of September 19, the Board and the other participants followed Powertech representatives on a tour of the proposed site of the Dewey-Burdock ISR facility. While on the tour, the Board viewed the location of several cultural sites significant to the Oglala Sioux Tribe and other area tribes, the proposed location of the well fields on both the Dewey and Burdock portions of the site, the proposed location of the central processing plant, and the open pit mines on the site that remain from prior area surface mining. The Board also received information regarding the general layout of the facility. At each of nine pre-determined stops, shown on the attached map, Mr. Mays, Mr. Clement, and Mr. Lichnovsky explained the significance of the specific location. Participants and Board members asked questions of the Powertech representatives regarding the specific locations. These questions were unrelated to the substance of the contentions pending in this case.

After the Board and the participants viewed the proposed project site, Mr. Lichnovsky led the Board to the entrance of the ranch owned by intervenor Susan Henderson and to the Wild Horse Sanctuary owed by intervenor Dayton Hyde. Mr. Thompson, Mr. Clark, Ms. Jehle, Mr. Lancaster, Ms. Yilma, Dr. LaGarry, Mr. Cook, and Ms. Picard accompanied the Board to both of these locations. The Board viewed these sites, but did not receive a tour of either. This concluded the first day of the site visit.

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At 8:00 a.m. MDT on Friday, September 20, 2013, the Board returned to Powertech's

Edgemont office. The Board was joined by Mr. Thompson, Mr. Clark, Ms. Jehle, Mr. Lancaster,

Ms. Yilma, Mr. Lichnovsky, and Ms. Picard. From Powertech's office, the Board and the

aforementioned participants traveled to the Comeco Crow Butte ISR facility in Crawford,

Nebraska. From the adjacent public roads, the Board and the participants viewed Crow Butte's

well fields, the exterior of its central processing plant, and its holding ponds. The Board and

participants asked questions about the facility that were unrelated to the substance of the

contentions in the Powertech proceeding. This concluded the site visit.

Attached to this memorandum is the map displaying the stops the Board made during its

tour of the proposed Dewey-Burdock project as well as a list of the individuals who attended

some or all of the site visit.

FOR THE ATOMIC SAFETY AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman ADMINISTRATIVE JUDGE

Rockville, Maryland September 24, 2013

## **List of Site Visit Attendees by Party**

### **POWERTECH**

Anthony Thompson
Counsel for Powertech

Richard (Dick) Clement President & CEO Powertech

John Mays VP Engineering Powertech

Mark Hollenbeck Project Manager Powertech

Frank Lichnovsky Chief Geologist Powertech

### **NRC STAFF**

Michael Clark (Mike)
Senior Attorney
OGC/GCHEA/AGCMLE
U.S. Nuclear Regulatory Commission

Patricia A. Jehle (Patty)
Attorney, Office of the General Counsel
Materials Litigation and Enforcement
U.S. Nuclear Regulatory Commission

Haimanot Yilma
Project Manager
Environmental Review Branch
FSME/DWMEP/EPPAD
U.S. Nuclear Regulatory Commission

Thomas Lancaster (Tom)
Hydrogeologist
FSME/DWMEP/DURLD/URB
U.S. Nuclear Regulatory Commission

Gregory R. Fesko PG (Greg) Geologist/Coal Program Coordinator Bureau of Land Management

Brenda A. Shierts
BLM Archaeologist
Bureau of Land Management

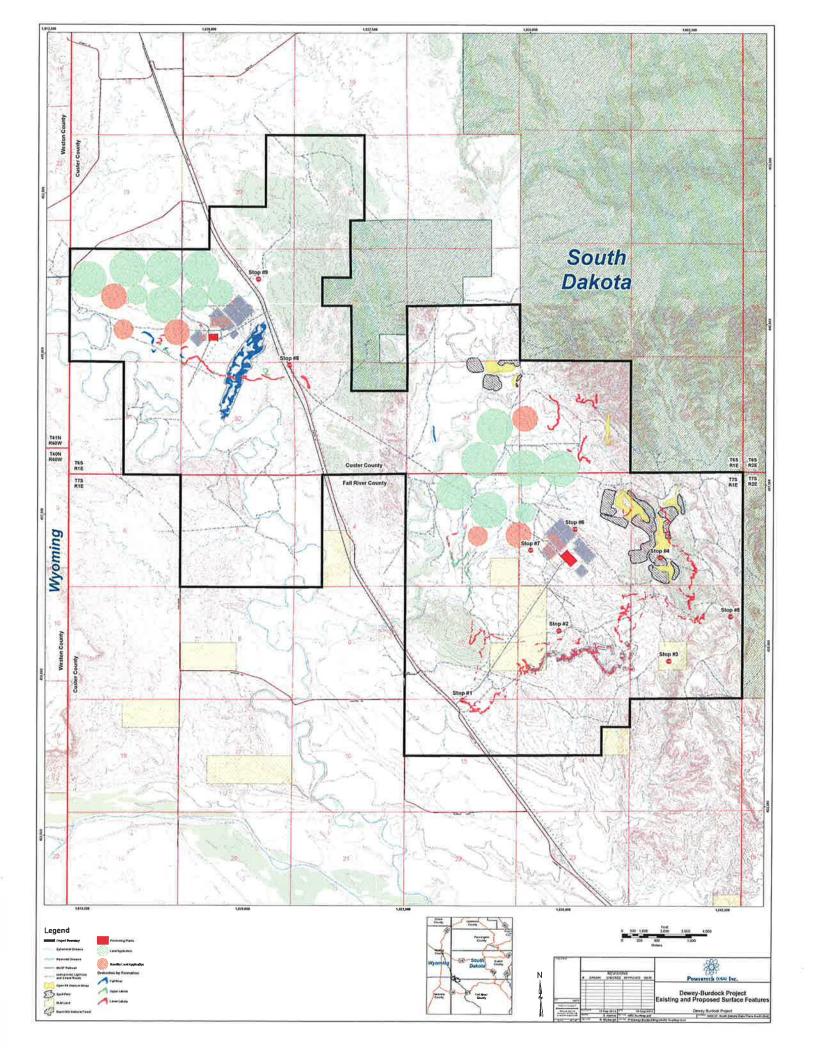
### **CONSOLIDATED INTERVENORS**

Dr. Hannan LaGarry Expert Aligning for Responsible Mining

Thomas Cook
Executive Director
Aligning for Responsible Mining

Terry Richards
Para-Archeologist
Aligning for Responsible Mining

Theodore Ebert Member Aligning for Responsible Mining



## UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
POWERTECH (USA) INC.	)	Docket No. 40-9075-MLA
(Dewey-Burdock In Situ Recovery Facility	)	
Source Materials License Application)	)	

### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM** (**Memorializing Site Visit**) have been served upon the following persons by Electronic Information Exchange.

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# POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY DOCKET NO. 40-9075-MLA

### **MEMORANDUM (Memorializing Site Visit)**

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[Original signed by Clara I. Sola]
Office of the Secretary of the Commission

Dated at Rockville, Maryland, this 24<sup>th</sup> day of September 2013.